

REMARKS

The present Amendment is in response to a telephone conference conducted between the Examiner and the undersigned on March 1, 2007, in the above-identified application.

In the present Amendment, Applicants have amended specification paragraph [0001] to note that Application Serial No. 10/177,377 has now issued as U.S. Patent No. 6,723,127, Application Serial No. 09/906,117 has now issued as U.S. Patent No. 6,468,310 and Application Serial No. 09/906,118 has now issued as U.S. Patent No. 6,527,806.

During the telephone conference, the Examiner indicated that he has rejected claims 21, 26, 37 and 40 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 12 and 16 of U.S. Patent No. 6,723,127. In response, Applicants enclose herewith a Terminal Disclaimer to overcome U.S. Patent No. 6,723,127.

As it is believed that all of the rejections set forth in the Office Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested Amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Application No.: 10/771,598

Docket No.: SPINE 3.0-434 CIP CONT

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Respectfully submitted,

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